

Volume 2, Issue 1

Education Leader

Educational Benefit
Review (EBR)



pennsylvania
DEPARTMENT OF EDUCATION

Bureau of Special Education
Pennsylvania Training and Technical Assistance Network

As a special education leader, you are responsible for ensuring that each student is making significant progress toward Individualized Education Program (IEP) goals. One of the most important activities you can do is review and monitor the development and implementation of students' IEPs. There is a process by which you can randomly sample IEPs and critically review them to determine whether the IEPs meet procedural compliance and are reasonably calculated to enable students to make progress. This is called an Educational Benefit Review (EBR).

The purpose of the EBR is to determine whether a student's current IEP is reasonably calculated for the student to receive educational benefit. The EBR process involves comparing the student's current IEP with the prior two IEPs and guides school teams through the examination of specific components of the IEP. During this process, the local educational agency's (LEA) EBR team looks at various sources documented in the IEP to determine if educational benefit was received. Educational benefit can be measured in a variety of ways, including, but not limited to the following:

- Achieving passing marks
- Advancing from grade to grade
- Making progress toward meeting annual goals
- Improving scores on statewide and district-wide assessments

Educational Benefit Review (EBR) and the Law

The basis for the EBR is found in §300.324 of the IDEA 2006 Regulations, which states that "each public agency must ensure that the IEP Team (i) Reviews the IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and (ii) Revises the IEP, as appropriate, to address any lack of expected progress toward the annuals goals, and in the general education curriculum, if appropriate."

EBR Review Process

The EBR process is a systematic approach to reviewing a student's records and comparing the current IEP with the prior two IEPs. As the LEA's designated EBR team reviews the student's records, they will:

1. Chart the student's IEP information for a three-year period, considering each IEP separately and including progress reports, test scores, report card grades, and comments.
2. Analyze relationships within IEP components. The purpose of looking at components from the two previous years' IEPs is to gain background on how the current IEP was developed. The team determines progress across three years. If an IEP goal is no longer present, the team must examine the data to determine whether the goal was achieved.
3. Compare progress and look for patterns across three consecutive IEPs. A review of three consecutive IEPs will help the LEA's designated EBR team determine whether (1) the student was making progress and (2) that appropriate adjustments and revisions were made to the student's IEP.



EBR Standards

As the team completes the EBR process for each student, the team must consider the answers to the 10 questions below to determine educational benefit. Questions 1-9 will guide the review team in collecting and analyzing data to make a final determination (question 10) as to whether or not the student has received educational benefit. The Year 3 IEP is used to determine whether the child is receiving educational benefit. The purpose of looking at the two previous years is to gain background knowledge about how the current IEP was developed.

1. Are the assessments complete and do they identify all of the student's needs, including postsecondary outcomes and/or career assessment/functional vocational evaluation for secondary students?
2. In Year 3, does the IEP, through the Present Level of Academic Achievement and Functional Performance (PLAAFP) statement or other IEP information identify all of the student's needs?
3. In Year 3, are all of the student's needs addressed by goals and objectives, transition services, and supplementary aids and services, including, for secondary students, postsecondary outcomes, preferences, and interests?
4. In Year 3, are there programs and services to support all of the student's goals and objectives?
5. If the student is of transition planning age, do the transition services provided over the three-year period of review represent a coordinated set of activities related to the student's vision for adult life?
6. In reviewing the comparison of the PLAAFP from Year 1 to Year 2 and from Year 2 to Year 3, if the student did not make progress, were the goals and objectives, transition activities, or programs and services in Year 3 changed in the IEP to facilitate the student's future progress?
7. In reviewing the comparison of the PLAAFP from Year 1 to Year 2 and from Year 2 to Year 3, if the student did make progress, were the goals and objectives, transition activities, or programs and services in Year 3 changed in the IEP to facilitate the student's future progress, including participation in general education?
8. Were sufficient services provided to ensure that the student would make progress?
9. Is the student provided with supplementary aids and services to support participation in extracurricular and nonacademic activities, if determined to be needed by the IEP team?
10. Based upon the review of information from Year 1, 2, and 3 and questions 1-9 above, has the EBR team determined that the student received educational benefit?

EBR and the Special Education Leader

Effective special education leaders provide teachers with ongoing professional development and support that focuses on the importance of educational benefit, the procedural compliance of IEPs, and the use of EBR to improve special education programs for students with disabilities. One effective, professional development activity that you, as a leader, can do is model the EBR process by reviewing and monitoring the development and implementation of students' IEPs. You may want to encourage teachers to complete EBRs on their students' IEPs outside of the cyclical compliance monitoring process* by integrating the EBR process into the development of students' IEPs in an ongoing manner, thus assuring compliance in providing Free Appropriate Public Education (FAPE).

*EBR and Cyclical Compliance Monitoring

In accordance with the Individuals with Disabilities Education Act (IDEA) and Chapters 14 and 15 of the State Board Regulations, the Pennsylvania Department of Education provides general supervision over all local educational agencies (LEAs) within the state to ensure that each student with a disability receives a Free Appropriate Public Education (FAPE) and that each family has the benefits of a system of procedural safeguards. To fulfill this responsibility, the Bureau of Special Education (BSE) conducts Compliance Monitoring for Continuous Improvement (CMCI) of LEAs to ensure compliance with applicable regulations. Cyclical Monitoring is conducted every six years among all LEAs. The educational benefit review (EBR) is part of the six-year, Cyclical Monitoring process.

Through the use of the EBR process, a pattern of issues or concerns may arise, indicating a need for professional development in specific areas or identifying district policies and practices that may need revision or improvement. For example:

- If a teacher notices that a particular student is not making progress, is the teacher required to discuss and remediate this issue with the IEP team?

- Is there a system by which to monitor and manage IEP revisions? Is there a system in place to revise IEPs?
- Do teachers understand the importance of making adjustments to IEPs to benefit students? What professional development is needed to support teachers to ensure that IEPs are revised appropriately?

If students' IEPs do not represent best practice with regard to providing FAPE, consider providing your staff with professional development in the area of concern. Your local intermediate unit can provide assistance with professional development.

Commonwealth of Pennsylvania

Tom Wolf
Governor



[www.facebook.com/
pattanpublications](http://www.facebook.com/pattanpublications)